1947.

File No. G. of I. II, Part

Legal DEPARTMENT

B. BRANCH

K

Subject:—

Rules and Notifications under Govt. of India Act, 1935.

For Subsequent Papers see part II

File No. G. of I. II/47

Part I

93-B.

Std. Sectt. Slip 24 B e.

C O N T E N T S.

Legal Department File No. G. of I II/47 Part I

Sr. No.	Compilation No.	Subject	Pages.
		The Government of India Act 1935.	
1.	U.R. to P. & S.D. No.102 Confl. dated 14-3-47	Sec.59- Draft Circular under	1-6
2.	U.R. to P & S.D. No. 3823 dated 18-4-47	Sec. 240 - Temprorary appointment attraction of -	7-10
3.	U.R. to P.W.D. No. 3837 dated 18-4-47	Publication of an Act and the notfn. thereunder simultaneously - opinion regarding -	11-12
4.	U.R. to H.D. No. 4381 dated 30-4-47	Sec. 92(1) - Notfn. under	13-16
5.	U.R. to ~~A.G.~~ Adv. Gen. No. 1648 dt. 17-2-47	Sec. 244- Creation of a Post of a Police Officer - Competence of the Secretary of State in respect of -	17-24.
6.	~~A.G.~~ Adv. Gen's opinion No.19- of 1947.		
7.	U.R. to P.D. No. 6122 dated 13-6-49.	Authority of the Provincial Govt. to entrust functions to an Officer of the Central Govt. - Opinion regarding -	25-26
8.	U.R. to P.& S.D. No. 7332 dated 16-7-47.	Sec. 264(2) - Notfn, under -	27-30
9.	U.R. to P.& S.D. No. 7620 dated 23-7-47.	Sec. 59 -Inclusion of Certain Rules in the Rule of Business - Concurrence of the Governor for -	31-32
10.	U.R. to P.D. No. 9187 dt 13/9/47	Sec. 92(1) - Notfn, under -	33-36.

K.N.P.
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Legal Department.

The two questions referred to in this file are-

(1) to suggest amendments to Instruction 24 of the Instructions issued under rule 15 of the Rules of Business, for the purpose of providing a reference to the Finance Department where a Bill is of the nature referred to in section 82 of the Government of India Act, 1935; and

(2) to scrutinize the draft circular proposed by P.&.S.D. at pp.41-43 ante in place of their existing circular No. 996/34, dated 3rd instructions regarding procedure to be followed in connection with legislation.

Sentenced 1938 on the Subject of-

2. I would redraft the whole of Instruction 24 as follows:-

"24. If legislation is found expedient, and after following the procedure laid down in Instruction 30 if the legislation is of the nature referred to in section 82 of the Act, the case shall be circulated to Ministers for recording their opinions or brought before a meeting of the Council of Ministers in accordance with the orders of the Prime Minister or/and the Governor under Instruction 14:

Provided that before a case is either circulated or brought before a meeting of the Council, the Department to which it belongs shall consult the Remembrancer of Legal Affairs as to the necessity or expediency from the legal point of view of the proposed legislation."

3. The draft circular put up by P.&.S.D. is open to several objections. I have therefore prepared a complete redraft of the same, which is at pp. 47-49. The Political and Services Department is requested to see whether it will carry out all their intentions

Sd.-

D.V.Vas

O.C.

Secretary to Government.

U.O. to P.&.S.D.D., No. 102- Conf. dated the 14th March 194

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Instructions regarding procedure to be followed in connection with -- -.

GOVERNMENT OF BOMBAY,
Political and Services Department,
C I R C U L A R No.996/34,

Bombay Castle, March 1947.

Read Instructions 13(b), 14 and 22 to 33 of the Instructions regarding the Business of Government issued under rule 15 of the Rules made under section 59 of the Government of India Act, 1935.

Read Governor's Secretary's Cricular No. 12/1, dated the 10th May 1937.

Read Government Circular (Legal Department) No. 6944, dated the 12th September 1938.

C I R C U L A R.

In supersession of the orders issued in Government Circular, Political and Services Department, No. 996/34, dated the 3rd September 1938, Government is pleased to issue the following instructions regarding the procedure to be followed in connection with any proposal for legislation:-

1. Stage I. Procedure before proposals for legislation are brought before the Council of Ministers:-

A - When the Hon'ble Minister in charge of a department initiates proposals -

(i) As soon as the Hon'ble Minister in charge of a department decides that legislation is necessary, the department Concerned should prepare necessary notes indicating the onjects of the proposed legislation and the provisions which should be made in the Bill. If more convenient, the proposals may be put in the form of a draft Bill by the department in order that the full implications of the proposals may be appreciated, though the drafting may not be technically correct.

(ii) The notes, together with the draft Bill if prepared, should them, and if the legislation falls under Instruction 30 after following the procedure laid down therein, be sent to the Remembrancer of Legal Affairs for his advice as to the necessity or expediency from the legal point of view of the proposed legislation (Instructions 24 and 30 of the Instructions regarding the Business of the Government).

(iii) The notes together with the opinions of the Remembrancer of Legal Affairs, and the Finance Department, if any, should then be submitted to the Hon'ble Minister in charge. If and as soon as the Hon'ble Minister in charge decides that the proposed legislation should be undertaken, the papers should ne submitted to the Hon'ble the Prime Minister and His Excellency the Governor.

B - Procedure when legislation is found expedient -

If the Hon'ble the Prime Minister and H.E. agree that legislation should be undertaken or if neither H.P.M. nor H.E. passes orders as to further disposal (Instruction 14), the orders of the H.P.M. should be obtained whether the case should be circulated to the Hon'ble Ministers for recording their opinions or whether it should be discussed at a meeting of the Council of Ministers - (Instructions 14 and 24).

Stage II - Procedure when legislation is finally decided upon.-

(i) If the Council of Ministers finally decides, either in circulation or at a meeting, in favour of the proposed legislation, the Remembrancer of Legal Affairs should be requested to draft a Bill (Instruction 25(1).).

(ii) After the draft Bill is prepared by the R.L.A., it should be submitted to the Hon'ble Minister in charge of the department for his approval and should then be circulated to H.E. the Governor and the other Ministers (Instruction 25(5)).

Stage III - Procedure after the Bill is approved.-

(i) After approval, the Bill should be submitted by the administrative department for the signature of the Hon'ble Minister in charge of the department on the Statment of Objects and Reasons attached to the Bill.

(ii) Orders of the Hon'ble Minister concerned should be obtained for its publication in the Bombay Government Gazette and for the languages in which it should be translated. (Rule 80/79 of the Bombay Legislative Assembly Council Rules).

(iii) If the Bill is one which requires the sanction or recommendation of H.E. the Governor under the Government of India Act, 1935, the papers should be submitted to H.E. for his sanction or recommendation.

(iv) After all action required by clauses (i) to (iii) is taken, the Bill with all relevent papers should be sent to the Legal Department for further necessary action (Instruction 26).

By order of the Governor of Bombay,

Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Secretary to the Governor,
The Secretary to the Bombay Legislative Assembly,
The Secretary to the Bombay Legilsative Council,
The Secretary to the Hon'ble the Prime Minister,
The Personal Assistants to the Hon'ble Ministers,
All Departments of the Secretariat (except the Separate Department).

I.P.

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4.C.

Please see para. 4(ii) of letter from the Deputy Secretary to the Government of India, Home Department, No. 510/45-Ests, dated 17th June 1946.

2. Certain questions were considered by the Government of India in consultation with the Advocate General of India, and the ~~exclusion~~ conclusion reached on this particular question, namely, where the appointment is expressly stated to be on a temporary basis and so have been sanctioned until further orders. .... and it is also provided that the persons service may be terminated at any time without notice, was that the appointme must be regarded as lasting only so long as Government does n pass an order terminating the person's services, and such termination of service cannot be said to be in exercise of th Crown's right to dismiss its servants at pleasure. Section 240(3) is not attracted in this class of cases.

3. The opinion of the Advocate General and the conclusion reached by the Government of India are perfectly correct.

4. Section 240(1) of the Government of India Act, 1935, provides that except as expressly provided by that Act, every person who is a member of a civil service of the Crown in India, or holds any civil post under the Crown in India, holds office during His Majesty's pleasure. Sub-section (2) provides that no such person shall be dismissed from the service by any authority subordinate to that by which he was appointed. Then sub-section (3) provides that no such person shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. These two provisios to sub-section (3) are not material to the present case. Similarly, sub-sect -tion (4) also is not material to the present reference. Here a person.

is appointed temporatily to a post on the distinct

understanding, which he accepts, that the post is temporaty and is terminanle at the passing of an order by Government terminating it. There is no question, thorefore, of dismissal or reduction in rank within the meaning of sub-section (3) of section 240 . Apart, therefore, from the prerogative of the Crown enunciated in sub-section (1) of section 240, that the Crown can terminate the service of any of its servants at its sweet pleasure, in the case of persons holding temporary appointments which are expressly stated to be until further orders, there is the further right of terminating the employment on the mere issue of an order in that behalf. In fact, in the case of such people, it is not at all necessary to resort to the authority conferred under sub-section (1) of section 240. It would, therefore , appear that the addition of the words "until further orders", does in every way alter the lehal status and the rights of the employment in such temporary service. It is not correct, as observed by the Chief Secretary that the operative part of the undertaking proposed to be taken in para. 4 of the draft circular at p. 42 ante, seems to be the agreement of the employee about the terms of his employment. It is a complete agreement between Government, the employer, and Government servant, the employee inas much as Government offer the post telling him that the post is temporary until further orders, and then he gives that undertaking that he accepts the post on that understanding. Therefore, it is not a unilateral agreement, but is a complete legal agreement between the two.

K.H.P.
14/5
A.C.

5. I suggest that in the undertaking at the end of para 4 in the draft circular at p. 42, the following words should be added :-

"and I accept the employment on this basis".

Sd. -

P.M.LAD.

O.C. Remembrancer of Legal Affairs.

U.R. to P. and S.D., No. 3823, dated the 18th April 1947.

K.N.P.
14/5
A.C.

Office of the R.L.A.

There is no objection if the Act as well as the notification referred to are published on the same day. It is not obligatory that they should be published on the same day . However, care should be taken that the notification is not published earlier than the Act.

Sd. -

P.M.LAD.

O.C. Remembrancer of Legal Affairs.

U.R. to P.M.D., No. 3837 dated the 16th April 1947.

K.M.P.

14/5

A.C.

Office of the R.L.A.

Subject to the following remarks, the requisite draft notification under section 92 of the Government of India Act, 1935, applying the Bombay Home Guards Act, 1947, (Bom. III of 1947) to the partially excluded areas in the Province of Bombay, is sent herewith:-

(a) It appears that the Bombay Home Guards Ordinance, 1946 at page 1 extended to Greater Bombay and the Ahmedabad area. Section 10 of the Bombay Home Guards Act, 1947 (Bom.IIIof 1947), therefore repeals the said Ordinance and has nothing to do in its application to the partially excluded areas. However, in view of section 1(3) of the said Bom.III of 1947, there is no objection to allow section 10 to remain in the application of the said Bom.III of 1947 to the partially excluded areas in the Province of Bombay.

(b) Under sub-section (3) of section 1 of the Bombay Home Guards Act, 1947 (Bom.III of 1947), by operation of law the said Act has come into force in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. Under the concluding portion of the said sub-section (3) it is open to the Provincial Government by notification in the Official Gazette to direct that the said Act shall come into force; in any other area on such date as may be specified in such notification. What is now desired is to extend or apply the Act to the partially excluded areas; it would have later to be brought into force there by a notification under section 1(3).

Sd. -
P.M.LAD. 29/4

o.c. Remembrancer of Legal Affairs.

U.R. to H.D., No. 4381 dated the 30th April 1947.

K.N.P.
14/5
A.C.

NOTIFICATION.

Home Department,

Bombay Castle, 1947.

Government of India Act, 1935.

No. - In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is pleased to direct that the Bombay Home Guards Act, 1947 (Bom.III of 1947), shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

Secretary to Government.

K.H.P.
14/5

A.C.

Office of the R.E.A.

Statement of the Case.

One Mr. R.C. Rodger jointed the Indian police on the 11th November 1923, but commenced to draw pay at the rate prescribed for the 7th year of service in the I.P. Before joining the I.P. he had put in 8 years service in the Army, out of which 4 years have been allowed to be counted towards civil pension. Mr. Rodger reached the maximum pay prescribed in the time scale of Indian Police on the 11th November 1942, which in the ~~normal~~ normal course a direct recruit would reach after 26 years of service in the I.P.

From 11th November 1942 onwards, when Mr. Rodger reached his maximum pay scale, he considered that his promotion to the selection grade had been blocked.

H.D.File 7252/3 P.117-19 slip Q.

Mr. R.C. Rodger now invites attention to the Government of India Home Department letter No. F.106/29/36-Police, dated 15-9-1937 communicating the orders of the Secretary of State in regard to block in promotion to the selection grade of Superintendents of Police, who have completed 26 years of service in the I.P. and requests that as he has already commenced drawing the pay prescribed for 26 years' service (including war service) he may be granted certificate showing th t he is considered fit for promoti to the selection grade, so as to enable him to claim a compensatory allowance which should count towards additional pension. The Bombay Government asked for a ruling from the Secretary of State for India as to whether 26 years' service in the I.P. can be read to mean 26 years' total service in the Army and the I.P. The Government of India replied that the Secretary of State cinsiders that some relief to Mr. Rodger is called for and had directed that a temporary additional selection grade should be created for him with retrospective effeft from the date on

p.51 ante.

p. 53 ante.

which he completed two years' service on the maximum of the time scale until such date as he is promoted to a normal vacancy in the selection grade or to a post service in which earns additional pension, and that his service in that post should be allowed to count for lower grade special additional pension. The Political and Services Department considers that under section 247(7) of the Government of India Act, 1935 the Secretary of State has unlimited powers to deal with cases of officers in such manner as may appear to him to be just and equitable and accordingly it is open to him to ask the Provincial Government to create the post for Mr. Rodger. The Chief Secretary concurs in this view. H.M. (H.D.) however does not agree with this view and thinks that this Government is not bound to create an extra post on the direction of the Secretary of State. He therefore wants this case to be examined by H.M? (L.D.) and by the Advocate General. pp. 73-75 ante.

The rules and conditions of service of the Indian Police are those contained at pp. 30-43 of the Manual of Appointments and Allowances of Gazetted officers in the Bombay Presidency, Part II, and those at p. 45 of H.D. file 2640-VII (slip Y). In the Government of India letter dated the 5th September 1937 ; the Secretary of State for India pointed out that if actual cases occur of officers fit for promotion to the Selection grade being blocked for promotion to that grade after they have completed 26 years' service, immediate consideration should be given to the question of affording them relief. In pursuance of this letter Mr. Rodger's case was referred to the Secretary of State who considers that some relief is called for in Mr. Rodger's case and has therfore directed that a temporary additonal selection grade should be created for him with retrospective effect from the date on which he completed two years' service on the maximum of the time scale until such date as he is promoted to a normal vacancy in the selection grade etc. (Please see Government of India letter No.206/45-Est. dated 11-7-46). put up. H.D. File 7252/3 pp.117-19 slip Q. p. 53 ante.

It is true that there are no rules under which the Secretary of State can direct the Governor of Bombay to create an extra post for Mr. Rodger. It is also true that the rules governing the conditions of service of Mr. Rodger namely those contained at pages 30-43 of the Manual of Appointments and Allowances of Gazetted Officers in the Bombay Presidency, Part II, All India Services, and those at page 45 of the Home Department File 2640-VII (slip Y) do not give any such authority to the Secretary of State. Yet I think the view taken by the Chief Secretary is correct.

Under section 244(1) of the Government of India Act, 1935, the appointment of a person to the Indian Police Services shall be made by the Sectetary of State. Under sub-section (1)(a) of section 247, the conditions of service of such a person shall be such as may be crescribed by rules to be made by the Secretary of State. Although these rules do not provide for such a contingency sub-section (7) of the said section 247 makes it clear that no rules made under that section shall be construed to limit or abridge the power of the Secretary of State to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable. Since the Secretary of State has thought it just and equitable to order the creation of an extra post for Mr. Rodger and since under section 52(1)(c) securing to persons who are members of the public services of any rights provided for them by or under that Act is one of the special responsibilities of the Governor and under sub-section (3) of section 52 the Governor excises his individual judgment in so far as any special responsibility of his is involved as to the action to be taken, the Governor of Bombay, it appears, will be bound to comply with the orders of the Secretary of State. Although section 50(1) requires the Governor to be guided by the aid and advice of his Council Ministers in the exercise of his functions other than discretionary functions, the proviso to that sub-section makes it clear that nothing in that sub-section prevents

the Governor from exercising his individual judgment in any case where by or under that Act he is required so to do. This he is required to do under section 52(1)(c) read with section 247(7). The orders proposed by the Chief Secretary, Dr. Corley, at page 75 are therefore correct.

Since the case under reference is important the Advocate General is requested to advise Government in the matter.

Sd.-

D.V.Vaidya

o.c. remembrancer of Legal Affairs.

U.O.R. to the Advocate General, Bombay, No. 1648.

Dated the 17th February 1947.

K.H.P.
15/5
4.C.

No.19 of 1947.

ADVOCATE GENERAL'S CHAMBERS,
HIGH COURT,
Bombay, 31st March 1947.

U.O.R. to the Advocate General, Bombay,
No.1648, dated the 17th February 1947.

O P I N I O N.

I agree with the opinion of the Remembrancer of Legal Affairs, Under Section 244(1) appointments to the Indian Police Service are to be made bt the Secretary of State and under Section 247(1) the conditions of service of all persons appointed to a Civil Post by him shall ..... be such as may be prescribed by Rules made by the Secretary of State. So - far, only the Rules relating to conditions of Service in the Police are indicated, i.e. those at pages 30 to 43 of the Manual of Appointments and Allowances of Gazetted Officers in the Bombay Presidency - Part II and at page 45 of Mr the Home Department File 2640-VIII. It was no condition of Mr. Roger's service under those rules that he should be give the privileges now recommended. Sub-Section (7) however of Sectio 247 leaves it open to the Secretary of State to deal with individual person in such manner as appears to him to be Jus and equitable and no rule made by any person other than the Secretary of State shall be construed to limit or abridge power of the Governor-General or the Governor of the Provinc to deal with any such person in such manner as may appear t be just and equitable. The Secretary of State has consider the case of Mr.Rodger and has issued certain directions. Though there is no express provision which compels Governme as such, to provide an extra post; the Governor acting under Section 52(1)(c) is bound to secure to Mr.Rodger the rights provided under this Act, one of his rights is to have that which is directed by the Secretary off State in his individ individual case. In view of the detailed opinion of the Remembrancer of Legal Affairs, with which I agree, it is not necessary for me to discuss the matter at lenghth.

K.H.P.
15/6
4. C.

C.K.DAPTARI
Advocate General.

Office of the R.L.A.

By virtue of section 5 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, all orders made under the Defence of India Rules in respect of any essential commodity or cattle shall, in so far as they could validly have been made under the provisions of the Act, be deemed to have been made thereunder. The Indian Cotton (Control) order, 1945, and the Foreign Cotton (Control) Order, 1945, would otherwise have been quite validly made under the Act. The only suggestion of invalidity is in reference to the entrustment of certain functions under the Orders to the Textile Commissioner, who is an officer of the Central Government. Although there is no enabling section like section 124 in the Government of India Act, enabling a provincial Government to entrust functions to an officer of the Central Government, there is no express prohibition against such entrustment. Section 49, which enacts the general rule about the exercise of the executive authority of the province, cannot be construed as such prohinition, and, in practice, many functions are entrusted to officers of the Central Government by the Provincial Government naturally with the consent of the Central Government. On the whole, therefore, it would be reasonable to hold that the two Orders in question could have been validly made under the Act and are, therefore, now preserved in their entirety and the Textile Commissioner can, under the Orders continue to exercise his powers. Moreover, it is not feasible to accomplish the same results by delegation under the Act as that term is strictly understood (vide section 8). Since the Government of India can, in view of their letter, be considered to have given their consent to the continued exercise by the Textile Commissioner of the powers under the two Orders, no administrative difficulties are likely to arise.

P.T.O.

Sd.-

Sd- P.M.LAD. 11/6/47.

~~S.S.~~ Remembrancer of Legal Affairs.

U.R. to F.D. No. 6122 dated the 13th June 1947.

K.N.P.
15/5
4.C.

Office of the R.L.A.

A revised draft notification in place of the two draft notifications at pages 44-45 ante is sent herewith.

It is not necessary to issue two separate notifications as proposed by P.& S.D.

Since under clause (a) of sub-section (2) of section 265 of the Government of India Act, 1935, provision has to be made for determining the number of members of the Public Service Commission by regulations, P.& S.D. should make the necessary regulations and issue them simultaneously with the proposed notificarion as was done in 1937.

Sd.-

D.V.VAS vyas.

~~R.R.~~ Remembrancer of Legal Affairs.

U.O. to P.&S.D., No. 7332 dated the 16th July 1947.

E.H.P.
15/5
A.C.

NOTIFICATION

Political and Services Department,

Bombay Castle, July 1947.

No. - Whereas in exercise of the powers conferred by sub-section (2) of section 264 of the Government of India Act, 1935, (hereinafter referred to as the said Act) the Government of Bombay and the Government of Sind agreed that there shall be one Public Service Commission for the Provinces of Bombay and Sind and accofdingly constituted the Public Service Commission for the Provinces of Bombay and Sind;

And whereas the Government of Bombay and the Government of Sind have now agreed to terminate the said agreement with effect from the 1st day of August 1947;

And Whereas in exercise of the powers conferred by sub-section (1) of section 264 of the said Act the Government of Bombay has decided that there shall be a Public Service Commission for the Province of Bombay only;

And Whereas in exercise of the powers conferred by sub-section (1) of section 265 of the said Act, the Governor of Bombay in his discretion has appointed Mr. Y.A. Godbole, CSI., CIE., to be the Chairman, and Messrs. P.G.Shah, CIE., and A.A.A. Fyzee, M.A. (Cantab), LL.B., Bar-at-Law, to be members of the Public Service Commission for the Province of Bombay;

Now, therefore, it is notified for general information that with effect from the 1st day of August 1947-

(a) the Public Service Commission constituted for the Provinces of Bombay and Sind shall cease to exist;

P.T.O.

(b) there shall be a Public Service Commission for the Province of Bombay only, and

(c) the Public Service Commission for the Province of Bombay shall be constituted as follows, namely :-

(1) Y. A. Godbole Esquire, CSI., CIE., Chairman

(2) P.G. Shah, Esquire, C.I.E.,

(3) A.A. A. Fyzee, Esquire, M.A.(Cantab), Bar-at-law. } members

By order of the Governor of Bombay,

Chief Secretary to Government.

K.H.P.
15/5

A.C.

Office of the R.L.A.

Under sub-section (3) of section 59 of the Government of India Act, 1935, the Governor shall make rules inter alia for the more convenient transaction of the business of the Provincial Government. Under sub-section (4) the rules shall include provisions requiring Ministers and Secretaries to Government to transmit to the Governor all such information with respect to the business of the Provintial Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted etc. Thus section 59 provides what shall be included in the Rules of Business. The requirement that the Governor's previous concurrence shall be obtained before certain proceedings are undertaken is laid down in the Constitution Act itself, e.g. sections 79(3), 82, 106, 108, 119, 167, 224,226,242, 267,271,299 etc. of the Government of India Act, 1935. Under sub-section (2) of section 8 of the Indian Independence Bill except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion, the Dominion and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935. It is not therefore necessary to reproduce in the Rules of Business the provisions of the Government of India Act, 1935, under which the Governor's prior concurrence is necessary for the validity of the proceedings. However if itis is inter to prescribe the procedure which the administrative departments concerned should observe for the purpose of obtaining the Governor's previous concurrence wherever required, there wouoHd be no objection to providing for th same in the Rules of Business.

4. As the subject "Rules of Business" is allotted to the P. and S.D. it will be for that Department to consider in what manner the said rules should be framed and then

refer the same to the R.L.A. for advice if necessary on any point.

Sd.-

D.V. ~~VAS~~ Vyas

o.c. Remembrancer of Legal Affairs.

U.R. to P. and S.D., No. 7620 dated the 23rd July 1947.

K.N.P.

15/5

4.8.

Office of the R.L.A.

The Indian Coinage (Amendment) Act, 1947, has been brought into force in British India with effect from 7th June 1947. vide Government of India, Finance Department, Notification No.2(13) FI/47 dated the 7th June 1947. Since the Act cannot be brought into forc in the partially excluded areas with retrospective effect it would not be possible to bring the Act into force in those areas simultaneously with its coming into force in British India. It would be necessary to apply the Act with the deletion of sub-. section (2) of section 1 so that it would apply to the partially excluded areas from the date of the notification. The draft notification is accordingly revised and a revised draft of the notification is sent herewith.

Sd.-

P.K.LAD

12/9

o.c. Remembrancer of Legal Affairs.

U.R. to F.D., No. 9187 dated the 23 th September 1947.

K.N.P.
15/5
A.C.

NOTIFICATION.

Finance Department,

Bombay Castle, September 1947.

Government of India Act, 1935.

No.4885/33-W.M.- In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is pleased to direct that the Indian Coinage (Amendment Act, 1947 (XXVIII of 1947) shall apply to the partially excluded areas in the Province of Bombay subject to the modification that sub-section (2) of section 1 of the said Indian Coinage (Amendment) Act, 1947, shall be deleted.

By order of the Governor of Bombay.

Secretary to Government.

K.N.P.
15/5
4.C.